

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMUEL LASSOFF, on behalf of himself	:	
and other Pennsylvania and New Jersey	:	
residents similarly situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 06-3542
GOOGLE, INC.,	:	
	:	
Defendant.	:	

**MOTION OF DEFENDANT GOOGLE, INC.,
TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FED.R.CIV.P. 12(b)(6)**

Defendant Google, Inc., by and through its undersigned counsel, respectfully requests that this Court grant Defendant's Motion to Dismiss the Complaint Pursuant to Fed.R.Civ.P. 12(b)(6).¹ In support of its Motion, Google hereby incorporates by reference the averments contained in the following Memorandum of Law, including Attachments "A" and "B" attached to that Memorandum, as if fully set forth herein.

¹ Google has also filed a Motion to Dismiss, pursuant to Fed.R.Civ.P. 12(b)(6), in a non-class action suit alleging identical causes of action as in the case at bar. That case is captioned at *Feldman v. Google, Inc.*, Civil Action No. 06-cv-2540 (E.D.Pa.), and is assigned to the Honorable James T. Giles. Google's Motion to Dismiss is pending in that matter as well.

WHEREFORE, Defendant Google, Inc., respectfully requests that this Court grant its Motion to Dismiss the Complaint and enter the attached Order.²

Respectfully submitted,

LINDY & ASSOCIATES, P.C.

By: \s\ Jeffrey M. Lindy
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Attorneys for Defendant,
Google, Inc.

² Two forms of Order are provided with this submission. The first proposed form of Order is provided in connection with Google's request that this matter be dismissed without prejudice because Plaintiff, in clear violation of the terms of his contract with Google, initiated the instant action in the wrong forum. The second proposed Order is provided in connection with Google's alternative argument set forth, *infra*, in the attached Memorandum of Law at page 11, where Google requests that in the event that the Complaint is not dismissed, then, at a minimum, Count III of the Complaint, alleging unjust enrichment should be dismissed.